

**In The Matter Of:**  
*Project Veritas Acton Fund v.*  
*Daniel F. Conley, et al.*

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*James O' Keefe*  
*April 9, 2018*

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1 UNITED STATES DISTRICT COURT

2 DISTRICT OF MASSACHUSETTS

3 EASTERN DIVISION

4 C.A. No. 1:16-cv-10462-PBS

5  
6 PROJECT VERITAS ACTION FUND,

7 Plaintiff,

8 vs.

9 DANIEL F. CONLEY, in his

10 official capacity as Suffolk

11 County District Attorney,

12 Defendant.

13  
14 DEPOSITION OF JAMES E. O'KEEFE, III,

15 individually and as corporate designee of Project

16 Veritas Action Fund, a witness called on behalf of

17 the Defendant, taken pursuant to the applicable

18 provisions of the Federal Rules of Civil Procedure

19 before Cynthia A. Powers, Professional Shorthand

20 Reporter and Notary Public in and for the

21 Commonwealth of Massachusetts, at the Office of the

22 Attorney General, One Ashburton Place, Boston,

23 Massachusetts, on Thursday, April 9, 2018,

24 commencing at 9:02 a.m.

**APPEARANCES:**

**Stephen Klein, Esquire**

**500 Madison Street, No. 419**

**Alexandria, Virginia 22314**

**(734) 233-1705**

**Representing the Plaintiff**

**Eric A. Haskell, Esquire**

**Matthew Landry, Esquire**

**The Commonwealth of Massachusetts**

**Office of the Attorney General**

**One Ashburton Place, 19th Floor**

**Boston, Massachusetts 02108**

**(617) 963-2855**

**Representing the Defendant**

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1 A. Yes.

2 Q. Sounds good. You mentioned that you had  
3 given deposition testimony before. What was the  
4 circumstance of that?

5 A. Undercover investigation in ACORN,  
6 specifically the office in San Diego California.

7 Q. I'm sorry, what was the undercover  
8 investigation into ACORN?

9 A. Going in to ACORN, posing as a pimp and  
10 prostitute, saying we wanted to start housing for  
11 our illegal business.

12 Q. Who did that?

13 A. Me and Hannah Giles.

14 Q. Who did you speak with at the ACORN  
15 office in San Diego?

16 A. Juan Carlos Vera.

17 Q. Anybody else?

18 A. I don't believe so.

19 Q. When did this happen?

20 A. August 2009.

21 Q. Okay. Was Ms. Giles secretly recording  
22 the conversation between you and she and Mr. Vera?

23 A. I don't believe so. I believe it was  
24 just the camera was on my body and my cell phone.

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1 A. Yes.

2 Q. And then I understand in 2014 Project  
3 Veritas Action -- can we call Project Veritas Action  
4 PVA?

5 A. Yes.

6 Q. In 2014 I understand PVA was created?

7 A. Yes.

8 Q. Did you play a role in creating PVA?

9 A. Yes.

10 Q. What role was that?

11 A. I should say oversight. I authorized  
12 Russ Verney, my executive director, to carry out  
13 most of the responsibilities in its creation.

14 Q. Since PVA was created in 2014, have you  
15 had a role with that entity as well?

16 A. Yes.

17 Q. What's your title at PVA?

18 A. Well, I'm the chairman of the board.

19 Q. Any other titles?

20 A. I have to check my board minutes just to  
21 make sure I'm completely accurate here, but  
22 president, CEO.

23 Q. What are your responsibilities as board  
24 chairman, president, and CEO of Project Veritas

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1 work, more than five times since the beginning of  
2 2016?

3 A. I would have to go back and check to see  
4 if it happened more than five times.

5 Q. You aren't concern whether it has?

6 A. I'm not certain. I would have to go  
7 back and look at the videos.

8 Q. Is it fair to say that the overwhelming  
9 majority of the journalistic work that PVA does is  
10 undercover reporting?

11 A. Yes.

12 Q. Why the focus on undercover reporting?

13 A. We believe that major media has become  
14 systemically corrupt in so far that they have passed  
15 along untrue information along to the masses that  
16 sources have given to them, information that is  
17 demonstrably untrue and information that these media  
18 corporations pass along to the masses, thus  
19 misinforming the masses.

20 So, the only way to accurately report  
21 information and educate the people, we have to go  
22 undercover to obtain the honest truths so we can  
23 deliver them to the people.

24 Q. And you say undercover work is the only

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1 specific portions of the film that's listed in 10C,  
2 which is the 2016 New Hampshire Primary film; right?

3 A. Yes.

4 Q. Have you recently have you reviewed the  
5 published New Hampshire Primary film?

6 A. Last night.

7 Q. And how recently have you reviewed the  
8 raw footage underlying the portion of the  
9 New Hampshire Primary film for which you've been  
10 designated to give testimony?

11 A. I believe I reviewed the full raw  
12 portion last night.

13 Q. Exhibit 39 we marked last week is a jump  
14 drive. Do you see me inserting that into the  
15 computer here?

16 A. Yes.

17 Q. Do you see projected on the screen on  
18 the side of the conference room the file tree for  
19 the computer?

20 A. Yes.

21 Q. On the screen do you see me going into  
22 the jump drive that's been marked Exhibit 39?

23 A. Yes.

24 Q. Going into the sub-folder titled

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1 A. I can't recall.

2 Q. Where did you encounter Ms. Topping?

3 A. It was on the street in, I believe it  
4 was Boulder, but I'm not sure.

5 Q. What was she doing at the time you  
6 encountered her?

7 A. I believe she was getting signatures on  
8 behalf of Greenpeace.

9 Q. Was she in front of a building or  
10 anything?

11 A. Yes.

12 Q. What building was that?

13 A. I don't remember.

14 Q. How did -- you went up to Ms. Topping  
15 and engaged her in conversation; right?

16 A. Yes.

17 Q. How did you decide to -- what made you  
18 to decide to go up to her?

19 A. We were doing an investigation in  
20 Colorado where I had caught -- we were in the  
21 process of catching at least one individual to tell  
22 us that committing voter fraud is okay and that we  
23 were looking to investigate and expose the  
24 propensity to commit voting fraud given Colorado's



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1 investigations labeled C and D on pages six and  
2 seven of Exhibit 5? You would also defer to  
3 Mr. Halderman for those?

4 A. Your original question, was there a  
5 specific plan in place?

6 Q. To record a particular person in a  
7 particular place in Massachusetts relative to --  
8 let's just take the potential investigation labeled  
9 C --

10 A. Right.

11 Q. -- on page six, protest management  
12 efforts for the Antifa protest in downtown Boston on  
13 August 9, 2017.

14 A. Is there a particular plan to film a  
15 particular person in a particular place. We  
16 wouldn't know what the particular person is until we  
17 actually started to do the investigative work. We  
18 wouldn't know who the person particular person is.  
19 So, it's an idea. It's a concept, something that we  
20 have done elsewhere. We can't do it here.

21 Q. Would your answer be the same as to  
22 PVA's plans to record a particular person in a  
23 particular place in Massachusetts relative to the  
24 fourth investigation listed in response to